

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES BECOAT,

Plaintiff,

v.

MONTE JORDANA LEVY,

Defendant.

2:15-cv-02272-GMN-GWF

ORDER

I. DISCUSSION

On December 7, 2015, this Court issued an order directing Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full \$400 filing fee within 30 days from the date of that order. (ECF No. 2 at 2). On December 21, 2015, the Court directed Plaintiff to file an amended complaint and to timely comply with the December 7, 2015 order. (ECF No. 5 at 2-3). On December 22, 2015, Plaintiff filed an incomplete application to proceed *in forma pauperis*. (ECF No. 6). In a letter to the Court, Plaintiff explained that the head librarian told him that it would take over 30 days for Plaintiff to receive a completed financial certificate from Carson City, Nevada. (ECF No. 6-1 at 1). In his motion to waive filing fee, Plaintiff states that he will send the completed *in forma pauperis* forms when he receives his financial certificate and six month accounting statement. (ECF No. 7 at 3). On December 31, 2015, Plaintiff filed another incomplete application to proceed *in forma pauperis* and an amended complaint. (ECF No. 8, 8-1).

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a

1 properly executed financial certificate or an inmate account statement. (See ECF No. 6, 7, 8).
2 As such, the *in forma pauperis* applications are denied without prejudice. The Court will retain
3 Plaintiff's amended civil rights complaint (ECF No. 8-1), but will not file it until the matter of the
4 payment of the filing fee is resolved.

5 The Court grants Plaintiff an extension until **Friday, February 19, 2016**, to file a fully
6 complete application to proceed *in forma pauperis* or, in the alternative, pay the full filing fee
7 for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he
8 must file a fully complete application to proceed *in forma pauperis*. If Plaintiff files another
9 incomplete application to proceed *in forma pauperis*, the Court will dismiss the case in its
10 entirety, without prejudice, to file a new case when Plaintiff is able to acquire the necessary
11 documents to file a complete application to proceed *in forma pauperis*.

12 **II. CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that Plaintiff's applications to proceed *in*
14 *forma pauperis* (ECF No. 6, 7, 8) are DENIED without prejudice to file a new application.

15 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
16 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
17 entitled information and instructions for filing an *in forma pauperis* application.

18 IT IS FURTHER ORDERED that **on or before Friday, February 19, 2016**, Plaintiff shall
19 either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form
20 with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full
21 \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative
22 fee).

23 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*
24 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a
25 new case when he is able to acquire the necessary documents to file a complete application
26 to proceed *in forma pauperis*.

27 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
28 dismissal of this action may result.

1 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the amended
2 complaint (ECF No. 8-1), but shall not file it at this time.

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4 DATED: This 5th day of January 2016.

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7 United States Magistrate Judge
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